

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re

Kevin Cornelius Williams,

Debtor(s).

Case No. 05-41754-DOT
Chapter 7

**NOTICE OF SECOND MOTION TO EXTEND TIME (1) TO OBJECT TO DISCHARGE
AND (2) TO FILE A MOTION TO DISMISS FOR SUBSTANTIAL ABUSE PURSUANT
TO 11 U.S.C. §707(b) OR TO CONVERT TO A CASE UNDER CHAPTER 13**

PLEASE TAKE NOTICE THAT the United States Trustee has filed with the Court a **Second Motion To Extend Time (1) To Object To Discharge And (2) To File A Motion For Substantial Abuse Pursuant To 11 U.S.C. §707(b) Or To Convert To A Case Under Chapter 13** (the “Motion”) in the above-captioned case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the Motion or if you want the Court to consider your views on the Motion, then on or before **March 30, 2006**, you or your attorney must:

(X) File with the Court, at the address below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. You must mail or otherwise file it early enough so the Court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
1100 East Main Street - Room 310
Richmond, Virginia 23219

You must also mail a copy to:

Shannon D. Franklin, Esq.
Office of the United States Trustee
600 East Main Street - Suite 301
Richmond, VA 23219

Shannon D. Franklin, Esq. (Va. Bar No. 46864)
Trial Attorney
Office of the United States Trustee
600 East Main Street - Suite 301
Richmond, VA 23219
Telephone (804) 771-2310
Facsimile (804) 771-2330

(x) Attend a hearing, which may be scheduled at a later date. You will receive a separate notice of hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting the relief requested.

W. CLARKSON McDOW, JR.
United States Trustee
Region Four

Date: March 17, 2006

/s/ Shannon D. Franklin
Shannon D. Franklin, Esq.
Office of the United States Trustee
600 East Main Street - Suite 301
Richmond, VA 23219
Telephone (804) 771-2310
Facsimile (804) 771-2330

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2006, a true copy of the foregoing was served via electronic delivery and/or first class mail, postage prepaid, to the following parties at the addresses listed below.

Kevin Cornelius Williams
P.O. Box 1004
Petersburg, VA 23804
Debtor

Richard James Oulton
2430-C Southland Drive
Chester, VA 23831
Debtor(s)' Counsel

Harry Shaia, Jr.
8550 Mayland Drive
Richmond, VA 23294
Chapter 7 Trustee

/s/ Shannon D. Franklin
Shannon D. Franklin, Esq.
Trial Attorney

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re

Kevin Cornelius Williams,
Debtor(s).

Case No. 05-41754-DOT
Chapter 7

**SECOND MOTION TO EXTEND TIME TO (1) OBJECT TO DISCHARGE AND
(2) TO FILE A MOTION FOR SUBSTANTIAL ABUSE PURSUANT
TO 11 U.S.C. §707(b) OR TO CONVERT TO A CASE UNDER CHAPTER 13**

COMES NOW W. CLARKSON McDOW, JR., the United States Trustee for the Eastern District of Virginia (the "U.S. Trustee"), through the undersigned counsel and pursuant to 11 U.S.C. §707(b), 11 U.S.C. §§ 101, et seq. (the "Bankruptcy Code") and Bankruptcy Rules 1017(e)(1), 4004, 4007 and 9006(b) of the Federal Rules of Bankruptcy Procedure, hereby requests this Court to extend the time to object to the above-captioned Debtor(s)' (the "Debtor") discharge and to extend time for the U.S. Trustee to file a motion to dismiss this case for substantial abuse or to convert to a case under Chapter 13 of the Bankruptcy Code. In support of this request, the U.S. Trustee states as follows:

1. This is a core proceeding concerning the administration of this estate pursuant to 28 U.S.C. §157(b)(2)(A) and 28 U.S.C. §1334.
2. On October 14, 2005, the Debtor filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code.
3. Harry Shaia, Jr. was appointed trustee and continues to serve as trustee in this bankruptcy case.
4. Based upon information that came to the U.S. Trustee's attention, the U.S. Trustee requested additional time to investigate whether there may be a basis to dismiss or

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convert this case for substantial abuse pursuant to Bankruptcy Code § 707(b) and/or to object to the Debtor(s)' discharge pursuant to Bankruptcy Code § 727.

5. On January 11, 2006, the U.S. Trustee filed a Motion To Extend Time (1) To Object To Discharge And (2) To File A Motion For Substantial Abuse Pursuant To 11 U.S.C. §707(b) Or To Convert To A Case Under Chapter 13 (the "First Extension Motion").

6. On February 2, 2006, this Court entered an Order granting the First Extension Motion, which extended the deadline to object to the Debtor(s)' discharge or to file a motion for substantial abuse pursuant to Bankruptcy Code §707(b) to March 18, 2006.

7. The U.S. Trustee has requested additional supporting documents and/or explanations from the Debtor(s) to investigate whether there may be a basis to dismiss or convert this case for substantial abuse pursuant to Bankruptcy Code § 707(b) and/or to object to the Debtor(s)' discharge pursuant to Bankruptcy Code § 727.

8. To date, the U.S. Trustee has not received the requested documentation and/or explanations.

9. Based on the above, the U.S. Trustee requests limited additional time to complete its investigation.

10. In the Schedules of Assets and Liabilities (the "Schedules"), the Debtor lists total unsecured debt of \$18,029.00.

11. On Schedules I and/or J, the Debtor lists various questionable monthly expenses.

12. Some of the expenses listed by the Debtor on Schedules I and/or J appear to be unnecessary and/or excessive. These monies could be used to fund a Chapter 13 plan.

13. The circumstances set forth above constitute sufficient cause for granting the requested extension of time.

WHEREFORE, the U.S. Trustee requests this Court to extend the date for filing a motion to dismiss or convert this case for substantial abuse pursuant to Bankruptcy Code § 707(b) and/or to object to the Debtor's discharge pursuant to Bankruptcy Code § 727 for an

additional thirty (30) days, or through and including April 17, 2006 and for such other relief as this Court deems just.

Respectfully requested
W. CLARKSON MCDOW, JR.
United States Trustee
Region Four

Date: March 17, 2006

By: /s/ Shannon D. Franklin
Shannon D. Franklin
Trial Attorney

CERTIFICATION OF SERVICE

I, the undersigned, do hereby certify that on March 17, 2006, a true copy of the foregoing Motion was served via electronic delivery and/or first class mail, postage prepaid, to the following parties at the addresses below:

Kevin Cornelius Williams
P.O. Box 1004
Petersburg, VA 23804
Debtor

Richard James Oulton
2430-C Southland Drive
Chester, VA 23831
Debtor's Counsel

Harry Shaia, Jr.
8550 Mayland Drive
Richmond, VA 23294
Chapter 7 Trustee

/s/ Shannon D. Franklin
Shannon D. Franklin, Esq.
Trial Attorney
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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re

Kevin Cornelius Williams,

Case No. 05-41754-DOT
Chapter 7

Debtor(s).

**SECOND ORDER EXTENDING TIME (1) TO FILE A MOTION TO
OBJECT TO THE DISCHARGE AND (2) TO FILE A MOTION TO
DISMISS FOR SUBSTANTIAL ABUSE PURSUANT TO 11 U.S.C. §707(b)
OR TO CONVERT TO A CASE UNDER CHAPTER 13**

This matter came before the Court upon the United States Trustee's Second Motion To Extend Time (1) To Object To Discharge And (2) To File A Motion For Substantial Abuse Pursuant To 11 U.S.C. §707(b) Or To Convert To A Case Under Chapter 13 (the "Motion"), and it appearing that due notice was given and that good cause exists to grant the relief sought in the Motion, it is hereby ORDERED:

1. The Motion is GRANTED.
2. Capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion.
3. The last day for the United States Trustee to file a motion to object to the above captioned Debtor's discharge or to file a motion to dismiss (or convert) this case for substantial abuse is extended through and including April 17, 2006.
4. Upon entry, the Clerk is directed to send a copy of this Order to all parties on the service list attached hereto.

DATE

DOUGLAS O. TICE JR.
CHIEF BANKRUPTCY JUDGE
UNITED STATES BANKRUPTCY COURT

Shannon D. Franklin, Esq. (Va. Bar No. 46864)
Trial Attorney
Office of the United States Trustee
600 East Main Street – Suite 301
Richmond, VA 23219
Telephone (804) 771-2310
Facsimile (804) 771-2330

I ask for this:

Shannon D. Franklin, Esq.
Trial Attorney
Office of the United States Trustee
600 East Main Street - Suite 301
Richmond, VA 23219

CERTIFICATION

I hereby certify that this Order has been either served on or endorsed by all necessary parties.

/s/ Shannon D. Franklin
Shannon D. Franklin

SERVICE LIST

Kevin Cornelius Williams
P.O. Box 1004
Petersburg, VA 23804

Richard James Oulton
2430-C Southland Drive
Chester, VA 23831

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